



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,906	01/16/2002	Chao-Yuan Su	67,200-630	1799
7590	11/16/2004		EXAMINER	
TUNG & ASSOCIATES Suite 120 838 W. Long Lake Road Bloomfield Hills, MI 48302			ART UNIT	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliance With 37 CFR 1.192(c)	Application No.	Applicant(s)	
	10/051,906	SU ET AL.	
Examiner	Art Unit		
John Ruggles	1756		

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 September 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. A single ground of rejection has been applied to two or more claims in this application, and
 - (a) the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. Other (including any explanation in support of the above items):

See Continuation Sheet

John Ruggles
Examiner, Art Unit 1756
571-272-1390

Continuation of 9. Other (including any explanation in support of the above items):

Item 2: Even though correctly identifying the pending rejected claims under appeal to be claims 1-4, 8, 10-19, and 21-24, the brief fails to state the current status of ALL claims, whether pending or CANCELLED. Claims 5-7, 9, and 20 have been previously cancelled and a statement to this effect must also be included in section 3 of the brief.

Item 3: Minor errors were also found in the status of amendments section 4. Only the amendments filed AFTER the Final Rejection mailed on 6 April 2004 should be listed, so inclusion of the amendment filed on or about 22 January 2004 (which was actually filed on 26 January 2004) should not have been included. The first amendment after final was filed on 3 June 2004 and was denied entry for the reasons given in the Advisory Action mailed on 22 June 2004 (NOT in 2003 as stated in the brief). A supplemental amendment was filed along with the brief on 3 September 2004. This 3 September 2004 supplemental amendment has been entered as indicated by another Advisory Action mailed on or about the same date as this Notification of Non-compliance. A joint response to both of these latter Office actions is expected.

Item 4: While the brief includes a concise explanation of the invention in the section 5 summary of invention, this explanation fails to include references to ALL applicable drawings and has entirely excluded the required reference characters (e.g., the last paragraph in this section found on page 4 of the brief should have included Figures 3A-3C along with Figures 2A-2F and should have designated all appropriate reference numbers to go along with the description of the components shown in these drawings as they appear in this explanation given in the brief, etc.).

Item 6(a): The brief also omits the statement required in section 7 that one or more claims do not stand or fall together, yet presents arguments in support of this statement in the argument section of the brief. Appellants are reminded that 37 CFR 1.129(c) requires grouping of all claims under appeal (as found in section 7 of the brief) and that each separate grouping of claims must be separately addressed in the argument section 8 (also found in the brief), along with reasons about why each of the claims in a group are believed to be SEPARATELY patentable (not just pointing out the differences in these claims).

Appellants' response to this Office action must be an amended appeal brief that overcomes each and every reason for non-compliance with 37 CFR 1.192(c) within the required time period (as pointed out above), to avoid dismissal of this appeal.



John Ruggles

Examiner, Art Unit 1756

571-272-1390



MARK E. HUFF
SUPERVISORY EXAMINER
TECHNICAL ART UNIT 1756